

REMARKS

The notice of non-compliance as been reviewed and the examiners comments carefully considered. The examiner has required that claims 14-25 contain the identifier of WITHDRAWN. This designation is not in accordance with the patent office rules. It is noted that rule 1.144 (b) identifies that "(b) Claims to the invention or inventions not elected, if not canceled, are nevertheless withdrawn from further consideration by the examiner by the election, subject however to reinstatement in the event the requirement for restriction is withdrawn or overruled." The applicant's simply cannot "withdraw" a claim from an application anymore than the applicant can allow a claim (applicant's can amend or cancel a claim but not allow or withdraw one). The decision to withdraw a claim to a non-elected invention is the examiner's decision AFTER the requirement is made final. In addressing this matter with the examiner in a telephone interview he indicated that the withdrawn label here was dictated by the patent office question and answer segments on claim identifiers. Accordingly the applicant's have mislabeled the claims as requested by the office instructions. Claims 14-25, however, are not believed to be "withdrawn" in accordance with the existing patent office rules, as discussed above. As discussed below the claims are believed to be all directed to the elected invention. Acceptance of this replay and clarification on the status of claims 14-25 and allowance of all the claims is again requested. The following comments are in accordance with the earlier submitted reply.

The office action of May 18, 2005 has been reviewed and the examiners comments carefully considered.

The claims have been amended in accordance with the specification. No new matter has been entered and favorable action is requested.

The examiner has rejected previous claims 1, 5, 6, 8, 12-14, 18, 19, 21 and 25 as being anticipated by the teachings of U.S. Patent 4,828,698 to Jewell et al (the '698 patent). These claims have been previously amended to further distinguish over this teaching, either taken alone or in combination with the prior art of record, and the arguments were included in the previous response which are incorporated herein by reference.

In reviewing the claims it is important to note that, as cited in the specification, the "present invention generally relates to filters used to remove acids, water, particles and other material from fluids and, more particularly, the present invention relates to a filter assembly adapted for use with turbomachinery for filtering fluid flow passing through such turbomachinery". In contrast the '698 patent is directed toward a water purification system useful where there is no electricity for pumps (i.e. gravity fed). The water purifying filter of the '698 patent is an outside in flow design with an outer particulate filter 50, a downstream sorbant bed 51 which may include ion exchange resins for removing contaminants from water (e.g. water softening) and a downstream micro-biological filter 52.

In the latest office action the examiner has indicated that the filter element of claims 1-13 is distinctly different (i.e. patentably different) from the filter assemblies of claims 14-25. The examiner is thanked for the indication that these claims are patentable over each other, however, it would appear that the relative subject matters of these claims are so closely related that a complete search and examination of one invention cannot be accomplished without a complete search of the other. In an effort to clarify the close relationship and to address the examiners comments, claims 14 and 21 have been amended to clarify that the pleated filter media is downstream of the ion exchange resin layer (which, of course, is upstream thereof). There is simply no additional burden on the examiner for maintaining these inventions together in the same application.

The applicants hereby elect to proceed with Group 1, claims 1-13 directed to the filter element. The applicants traverse this requirement fro the reasons set forth above and respectfully request reconsideration in view of the claim amendments and arguments.

The examiner has further required an election of species between figure 3 (wherein the ion exchange layer is about the core and the pleated filter media is about the ion exchange layer – the inside out flow element), and figure 5 (wherein the pleated filter media is about the core and the ion exchange layer is about the pleated filter media – the outside in flow element). Again the examiner is thanked for indicating that these configurations are patentable over each other. Claims 1 and 14 have been amended to be generic to either species (with it being understood that claims 14-25 are subject to the earlier restriction for combination – sub-combination).